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# FAX

To: Colleen Sievers  
775-885-6147

From:

Pages: 4, Including Cover Page

Phone:

Date: 1/26/16

Re: Comments on Bi-State Sage  
Grouse Plan

cc:

Attn: Colleen Sievers, Project Manager:

The Nevada Cattlemen's is appreciative of the opportunity to comment on the "BLM Proposes Changes to the Nevada and California Greater Sage Grouse Bi-State Distinct Population Segment Land Use Plan Amendment". Our comments are being provided specific to each of the four areas listed in your Notice issued November 14th, and the amendment issued extending the comment period to January 29th, 2016.

January 11, 2016;



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**Setting disturbance caps within BSSG habitat:**

Disturbance Caps are discussed in the Bi-State EIS under three management activities. These are Recreation, Wildlife and Minerals.

**Recreation:**

BLM recommended adopting Standards and Guidelines set in this plan in table 2-5, Pages 21 and 22, Alternative B-AR-S-02 and C-AR-S-04 in any management category that mentioned disturbance caps as a possibility. B-AR-S-02 discusses future Route Designation as the vehicle to define amount of disturbance and need for routes. This future designation approach is much better in that it allows a complete review of routes, needs, and purpose by the public at large instead of a one-time declaration of designation or closure. Many trails and ways are present for the purpose of accessing existing improvements and management facilities that aid in accomplishing other standards and guidelines for grazing and other activities. A management action that precludes finding solutions to what is needed for management of other resource categories is self-defeating. For example, building one good road to access an area and being able to rehabilitate multiple wagon wheeled trails going to the same place that are subject to wash out and bypasses not only benefits management of other resources, it also improves habitat for grouse by reducing total disturbance area and fragmentation. Multiple small scale rehabilitation projects could thus be conducted during periods when sage grouse are using other habitats.

**Wildlife:**

References to Disturbance Caps for wildlife appeared on page 27 and BLM's recommendation coincided with B-Wild-S-03. Habitat restoration includes such activities as rehabilitation after fire, flood, drought, and other major human or natural events. A limit of 3% or 1.5% as stated in these alternatives is counterproductive to the idea of quick action to re-establish appropriate vegetation to "maintain large intact sagebrush communities", especially after large fire events.

**Minerals:**

The discussion of a Disturbance Cap on Fluid Minerals on page 37 is moot as BLM-08 precludes surface occupancy with no exceptions, modifications or waivers. We find that the idea of Disturbance Caps may have merit in a few limited circumstances but that imposing such limits may severely restrict needed management or rehabilitation activities depending on individual circumstances. Each situation needs to be evaluated on a case by case basis, and limited or large scale action determined at that time depending on its given set of conditions.

**Adjusting buffers for tall structures near active or pending leks:**

A discussion of tall structures being newly installed near active or pending Leks first appears in table 2-1 "Bi-State DPS desired habitat conditions" and indicates that new structures that meet this definition will not be installed. Reading this proposed action and other actions under Land Use/Special Use appears to indirectly indicate that as future renewals of permits for such existing structures come up, that the structure would be renewed, or not, in a manner that meets this definition of line of sight and/or distance from a Lek although this was not clearly stated in the proposed decisions. This four mile distance is based on recent research by Dr. Pete Coates and was also recommended by the Nevada Governor's Sage-Grouse Conservation team. It has had significant public review and input and would appear to be the proposed action.

It also appears in Table 2-5, page 23, in rows 3 and 4 in but these two proposed actions create a discrepancy because of a two mile and four mile distance being listed. Row three lists the BLM proposed action as the same as B-LUSU-S-01 which states not installing tall structures within two miles of a lek, whereas row 4 lists the BLM proposed action as no proposed action (covered by C-LUSU-S-04) which states that there will be no tall structures installed within four miles of an active or pending Lek. C-LUSU-S-04 also is referred to by BLM as covering standard and guidelines proposals for:

- Rows 5 and 6 under Land Use/Special uses Page 24;
- Row 3 under Range Improvements - Fences, Page 31;
- Row 3 under Range Improvements – Handling, Page 33;
- Row 2 under Fluid Minerals, Page 40;

In all these cases we again reiterate that a fixed distance may not be in the best interest of management of sage-grouse. Some buffering may be necessary but it should be looked at on a case by case basis. Many ranches currently have power lines, either installed by local power utilities or by private investment, that have been in place for an extended period of time. Simply retrofitting these lines to have anti-perch devices as recommended on Page 24, Row 4, BLM BMP; may in and of itself be cost prohibitive due to the many miles of line involved in some situations and or the replacement of current structures due to their not being suitable for retro fit to include anti-perch devices. Reinstallation of a structure or new installation due to renewal or rerouting of lines could financially eliminate those land managers that stand to provide the most direct on the ground management.

**Adding a restriction for new high-voltage transmission lines:**

This question appears moot as there are restrictions already listed under:

- Row 4, Page 22 which says to co-locate any new ROW's;
- Row 3 and or 4, Page 23 (see comment under buffer for tall structures above);
- Row 2, Page 24 Relinquishing and reclaiming unused ROW's;
- Row 4, Page 24 BLM BMP requiring retrofitting with anti-perch devices.

Unless you are proposing a complete ban, it appears this is already covered through existing proposed actions.

**Additional management direction for habitat connectivity:**

This topic of connectivity is discussed beginning on page 87 of the FEIS and references proposed action C-Wild-S- 02 which states "Vegetation treatments and post-disturbance restoration shall seed and/or transplant

sagebrush to restore large patches of sagebrush cover and connect existing patches." We do not recommend management actions beyond this proposed action as this will require extensive latitude in determining how to increase connectivity given the particular on the ground issues for the areas to be reconnected. If the limitations are within the management discretion of BLM, such as post fire restoration or future utility ROW authorizations like a new high voltage power line, then actions can be accomplished through stipulations and or authorizations as appropriate.

This becomes a far different matter if the fragmentation is due to long existing ROW's such as county, state or federal highways, long existing Utility ROW's, agricultural and/or private ground which could include wildland/urban interface and development, or other complicating factors. There needs to be a level of latitude in determining the most effective option to improve connectivity and no one set of guidelines can accomplish that level of latitude.

**Additional comments:**

We find the process through which this comment period and amendment of the ROD is being conducted very close to being outside of the planning procedures for completing a plan amendment. Generally when a plan is finalized, and yes we realize that this plan was led by the Forest Service and may not follow of apply all the requirements for BLM administered land, any subsequent changes to that plan require a formal public participation, open comment, protestable and appealable decision making process to take place. We feel that since there was a formal agreement for the Forest Service to lead this process that the decisions would have been jointly tailored such that all decisions in the ROD were final or that this subsequent effort should be reopened as a Formal Plan Amendment and not as additional comments to amend the final ROD. We feel your original process was final as of the issuance of the ROD and this comment period only complicates the matter.

Sincerely,



Dave Stix Jr.  
President, Nevada Cattlemen's Association